

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN CIVIL LIBERTIES UNION of)
MASSACHUSETTS,)
Plaintiff,)
v.)
KATHLEEN SEBELIUS et al.,)
Defendant,)
and)
UNITED STATES CONFERENCE OF)
CATHOLIC BISHOPS,)
Defendant-Intervenor

Case No. 1:09-cv-10038-RGS

**DEFENDANT-INTERVENOR UNITED STATES CONFERENCE OF CATHOLIC
BISHOPS MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Defendant-Intervenor, the United States Conference of Catholic Bishops (“USCCB”), hereby moves for summary judgment on the single claim advanced by plaintiff, American Civil Liberties Union of Massachusetts (“ACLU”). As set forth in greater detail in the accompanying Memorandum of Law and Statement of Undisputed Material Facts, USCCB is entitled to summary judgment. On the undisputed material facts, developed after extensive discovery, Defendants are entitled to judgment on Plaintiff’s claim that the Defendant, the Department of Health and Human Services (“HHS’s”) decision to enter into a case management contract with USCCB under the Trafficking Victims Protection Act (“TVPA”), 22 U.S.C. §7701 *et seq.* that excludes funding for abortion and contraception violates the Establishment Clause of the First Amendment.

WHEREFORE, for these reasons and those set forth more fully in USCCB's Memorandum of Law and Statement of Undisputed Facts filed herewith, USCCB respectfully requests that the Court grant this motion and enter summary judgment in Defendants' favor on the single count at issue.

REQUEST FOR ORAL ARGUMENT

USCCB believes that oral argument may assist the Court and wishes to be heard. Accordingly, USCCB requests that the Court grant a hearing on this Motion pursuant to Local Rule 7.1(D).

Respectfully submitted,

/s/ Henry Dinger
Henry C. Dinger (BBO #125340)
Catalina Azuero (BBO # 670696)
Goodwin Procter LLP
Exchange Place
53 State Street
Boston, MA 02109
(617) 570-1276
(617) 523-1231
hdinger@goodwinprocter.com
cazuero@goodwinprocter.com

Attorneys for The United States Conference of Catholic Bishops

OF COUNSEL

Anthony R. Picarello, Jr., General Counsel
Jeffrey Hunter Moon, Solicitor
Office of General Counsel
United States Conference of Catholic Bishops
3211 4th Street, NE
Washington, DC 20017
(202) 541-3300
(202) 541-3337 (fax)
APicarello@usccb.org
JMoon@usccb.org

**LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION
AND CERTIFICATE OF SERVICE**

I certify that counsel for Defendants conferred with counsel for the Plaintiffs over email on August 8, 2011, regarding the issues presented in this motion, and no agreement could be reached.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 9, 2011.

/s/ Henry Dinger